

“AGREEMENT to MODIFY ORDER OF ASSIGNMENT”

For Petitioner and Respondent

1

**To Change an
Existing Court Order
When Parties Agree**



SELF SERVICE CENTER
“AGREEMENT TO MODIFY (CHANGE) AN ORDER OF
ASSIGNMENT”
FOR PETITIONER AND RESPONDENT

This packet contains court forms and instructions to file an Agreement or Stipulation to Modify a Court Order for Assignment. Be sure the documents are in the following order:

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CHECKLIST AGREEMENT TO CHANGE WAGE ASSIGNMENT

USE THE FORMS and instructions in this packet ONLY if the following factors apply to you:

- ✓ You have an **“Order of Assignment”** that was entered in Maricopa County, **AND**
- ✓ You wish to modify the order, **AND**
- ✓ ALL parties **agree to modify** the wage assignment, **AND**
- ✓ You have the notarized signatures of all parties on the agreement (as well as the signature of the IV-D agency representative if any party is using the child support collection services of the state), **AND**
- ✓ At least one of the following conditions applies to you:

You want to “Modify the Order of Assignment” because:

- ✓ The amount shown in the **“Order of Assignment”** is wrong or was changed by court order; **OR**
- ✓ You have paid up all amounts you owed for past-due support and/or spousal maintenance (alimony), and only have to pay current child support and/or spousal maintenance, which will make your monthly payments go down; **OR**
- ✓ You still owe money for past due child support or spousal maintenance, but the current payments for maintenance or support should stop because the child named on the order has turned 18 and is out of school or one of the other conditions for ending payments listed in the child support order or permitted by law has occurred - so you should pay less; **OR**
- ✓ The **“Child Support Order”** is based on an amount *per child, per month*, and one or more of the children have married, died, reached age 18, or other condition for ending child support listed on the child support order or permitted by law has been met, so you should pay less.

(Note: If the support order does not state a separate amount PER CHILD, you may need to change the Child Support Order – not the wage assignment).

DO NOT USE FORMS and instructions in this packet if the following factors apply to you:

- X** You want to lower the amount of the assignment because your income is now lower (You must file a request or agreement to change / modify the Child Support Order!).
- X** **You want to stop the wage assignment completely** (If so, you must file forms to STOP (not modify) the wage assignment);
- X** The parties **do not agree** to Modify the Wage Assignment;
- X** The other party will not sign the agreement (in front of a notary or Court Clerk).

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT FORMS TO MODIFY AN ORDER OF ASSIGNMENT BY AGREEMENT

This Petition can be completed by the person paying support OR the person receiving support, but must be signed by BOTH, as well as by a representative of the IV-D Agency if either party is using the child support services of the state.

COMPLETE THESE FORMS IF:

An ***"Order of Assignment"*** is in effect against one of the parties, **AND**

- You wish to **change** the order of assignment completely, **AND**
- **Both parties agree** that the Order of Assignment should be changed, **AND**
- The underlying Court Order for Child Support or Spousal Maintenance (alimony) states certain conditions for changing the support or maintenance and one or more of those conditions (as listed in Item 7 on the ***"Agreement to Change Order of Assignment"***) applies to you.

TO COMPLETE THESE FORMS YOU WILL NEED:

- The date the current ***"Order of Assignment"*** was signed. If you do not know this date, you can find it on the original ***"Order of Assignment"*** in the court file.

DEFINITIONS:

"Obligee" is the person or agency entitled to receive support payments.

"Obligor" is the person ordered to make support payments.

HOW TO FILL OUT THE FORMS: TYPE OR PRINT CLEARLY, USING BLACK INK ONLY.

AGREEMENT TO CHANGE ORDER OF ASSIGNMENT

Match each numbered item in the instructions with the same numbered item on the form.

Enter the following information:

- (1) (At top left) Print the name and other information requested for the person submitting this form. If you are representing yourself in this matter, check the box before "Self".
- (2) The names of the persons shown as the petitioner/plaintiff and respondent/defendant on the original ***"Order of Assignment."***
- (3) The case number that appears on the ***"Order of Assignment."***
- (4) The ATLAS number (if one has been assigned to your case).
- (5) The name of the person making payments under this ***"Order of Assignment."***
The name of the person receiving payments under this ***"Order of Assignment."***
- (6) The date the current ***"Order of Assignment,"*** the one you want to change, was signed. This will be near the Judicial Officer's signature on the Order.
- (7) The amount listed on the current ***"Order of Assignment"***
- (8) The new amount you want the Court to order Assigned.

Next, check (9) (a), (b), (c), or (d), to explain *why* the ***"Order of Assignment"*** should be changed.

(9)(a) Check (9)(a) if the obligation to make current child support payments has *ended*, *and* in the blank lines under (9)(a) **write the name of each child** listed on the child support order **and list the reason** (or at least the [1-5] *number* of the reason) **why** no current/future child support is owed for each of those children.

(9)(b) Check (9)(b) if payments should now (or in the near future) stop for any or all of those items listed under (9)(b) – and check the box for each one for which payments should stop.

(9)(c) Check (9)(c) if the person receiving payments has died, but back payments (arrearages) are still owed. As indicated on the form, attach a copy of the obituary notice or death certificate.

(9)(d) Check this box if there are other reasons listed on the support order or permitted by law for changing the amount of the **“Order of Assignment.”** that are not included in 9(a), (b), or (c), and list them in the space provided. Write CLEARLY.

(10) Future Change: Check this box if the reason for changing the amount of the assignment has not yet occurred, and write in the date the change *will* take place.

(11) Check here if money is still owed, **but the amount of the assignment should be changed.** Then read and check the appropriate boxes immediately below that explain *which payments are still owed* in your situation.

NOTE: If you do not owe any more child support or alimony, or back child support or back alimony, *STOP!* You have the wrong forms! Review the “Petition” or “Agreement” “To Stop an Order of Assignment” forms to determine if they are appropriate for your situation.

Signatures/Notary Information: Do not sign until you are directed to do so by a Notary Public or a Clerk of Court. Sign only your own name. Do not fill out the rest of this page. Signing your name is a statement to the Court that you believe the information submitted is true and correct under penalty of law.

ORDER OF ASSIGNMENT:

If the Court approves your agreement you will need a new **“Order of Assignment”** with the new, correct amounts. Match the number of the instructions that follow to the corresponding numbers on **the “Order of Assignment”** form. Write in the information as it appeared on the original **“Order of Assignment.”**

1. Write in the name of the person listed as “Petitioner.”
2. Write in the name of the person listed as “Respondent.”
3. Write in the case number and ATLAS number (if applicable).
4. Write in the name and Social Security Number of the person ordered to make payments.

STOP! The Judicial Officer or other personnel will complete the rest of the form.

CURRENT EMPLOYER INFORMATION SHEET

Fill in the information requested on this short form, which asks for only:

- Case Number
- ATLAS Number (if one has been assigned to this case)
- Name of the payor, the person obligated to make payments,
- Name and payroll address, fax and phone numbers for the payor’s current employer (the one(s) named in the **“Order of Assignment.”**),
- Name and payroll address, fax and phone numbers for the payor’s previous employer.

**WHEN YOU HAVE COMPLETED THESE FORMS, GO TO THE “PROCEDURES” PAGE
AND FOLLOW THE STEPS LISTED THERE.**

(1) Person Filing: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime / Evening Phone: _____ / _____
 Person Filing Document is: ☐ Self or Attorney for ☐ Plaintiff ☐ Respondent
 (If Attorney) State Bar No.: _____ Attorney Phone: _____

SUPERIOR COURT of ARIZONA IN MARICOPA COUNTY

(2) _____
 Petitioner/Plaintiff (in original case)

(3) Case No. _____

(2) _____
 Respondent/Defendant (in original case)

(4) ATLAS No. _____

AGREEMENT TO CHANGE / MODIFY ORDER OF ASSIGNMENT A.R.S. § 25-504

The parties **agree** that the Order of Assignment should be changed. The parties are signing this Agreement of their own free will and not under any fear or threat of force. This Agreement applies only to the Order of Assignment and has no effect on the existing child support or spousal maintenance order.

I, (5) _____, the person ordered to make payments (the Obligor), and
 I, (5) _____, the person receiving payments (the Oblige), ask the
 Court to change the Order of Assignment dated (6) _____, from the current amount of
 (7) \$ _____ to the new amount of (8) \$ _____ **because:**

(9) Check the appropriate box(es) to explain why the Order of Assignment should be changed.

- ☐ (a) Past due child support (back child support/arrearages/interest) is still owed but the person making payments (the Obligor) is no longer obligated to pay child support because all children named in the Child Support Order:
1. are **18 and not attending high school** or a certified equivalency program. And / Or
 2. are **19**. And / Or
 3. have been **adopted**. And / Or
 4. are **married**. And / Or
 5. are **deceased**.

If you checked the box above, write the name of each child listed in the Child Support Order and list the number (1-5) of the reason child support is no longer owing for that child on the line next to their name.

- ☐ (b) **Payments are no longer owed for:** (Check all that apply*)
- ☐ past-due child support
 - ☐ past-due spousal maintenance (back alimony)
 - ☐ current spousal maintenance (alimony)

- ☐ (c) Person receiving payments (Obligee) is deceased, but past-due amounts (arrearages / interest) are still owed to the state.* (Attach Copy of Death Certificate or Obituary Notice.)

***Note: if person receiving payments is deceased and no payments are owed to the state, you may need to file a request to *change the Child Support Order*: (1) to make sure your support payments are going to the right person; (2) to make sure you are being properly credited for payments that you make, and (3) to make sure you are not paying when you don't have to. Consult an attorney, if possible, to help determine your rights, responsibilities and options.**

- ☐ (d) Other reasons permitted by law (list, and attach any supporting documents) (Consult an attorney if not sure) : _____

- ☐ The condition(s) for changing the amount of the payments has (have) not yet occurred but will take place as of this date: _____

- (10) ☐ **Payments are still owed for, and the assignment should continue for:** (Check all that apply**)

- ☐ Current spousal maintenance (alimony)
☐ Past-due spousal maintenance (arrearages/interest)
☐ Current child support for one or more children
☐ Past-due child support

****Note: If *NO* payments are still owed, STOP! You must file a request or agreement to Stop the Assignment.**

Do not write or sign below this line until you are instructed to do so by Court Clerk or Notary.

I affirm the information on this Request to Modify Order of Assignment by Agreement is true and correct.

Date

State of Arizona)
) ss.
 County of _____)

My Commission Expires: _____

(12) Petitioner/Plaintiff

Acknowledged before me on: _____

Notary Public or Clerk of the Superior Court

Date

State of Arizona)
) ss.
 County of _____)

My Commission Expires: _____

(12) Respondent/Defendant

Acknowledged before me on: _____

Notary Public or Clerk of the Superior Court

Date

IV-D Representative (if applicable)

SELF SERVICE CENTER

INSTRUCTIONS: HOW TO COMPLETE AN “ORDER OF ASSIGNMENT”

DEFINITIONS:

- **Obligor** is the person ordered to make support payments.
- **Obligee** is the person or agency entitled to receive support

COMPLETE THIS FORM FOR AN “ORDER OF ASSIGNMENT” IF:

- You have completed a “*Petition for an Ex Parte Assignment*” or
- You have been ordered by the court to prepare an “*Order of Assignment*” or
- You are a party to a case in which the court may establish or modify a support obligation.

HOW TO COMPLETE THIS FORM:

TYPE OR PRINT NEATLY USING **BLACK INK**. Follow the instructions given below. Match each numbered step in the instructions with the item on the “*Order of Assignment*” that has the same number.

- (1) Fill in the name of the person who is shown as the Petitioner on the order that established the support obligation. If there is no order, type or print the name of the person shown as the Petitioner in the original petition filed in the case.
- (2) Fill in the name of the person shown as the Respondent on the order that established the support obligation. If there is no order, type or print the name of the person shown as the Respondent in the original petition filed in the case.
- (3) Fill in the case number that appears on the support order. If the order was issued in a county other than the one where you are filing this request and order, leave this item blank. If you do not have an order establishing a support obligation, leave this item blank.
- (4) Fill in the ATLAS number that appears on the support order. If the order was issued in a county other than the one where you are filing this request and order, leave this item blank. If you do not have an order establishing a support obligation, leave this item blank.
- (5) Fill in the complete name (first, middle and last) and the Social Security Number of the Obligor (the person ordered to make support payments.)

STOP: The Judicial Officer or staff will complete the rest of this page.

THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(1) _____)
 Petitioner)
 vs.)
 (2) _____)
 Respondent)

(3) Case Number: _____

(4) ATLAS Number: _____

ORDER OF ASSIGNMENT

TO: Current and future employers or other payors of:

(5) Name: _____ SSN: _____

This order modifies and replaces any previous "Order of Assignment" with the same case number. You shall withhold court-ordered payments as follows:

Current Child Support	\$ _____
Current Spousal Maintenance/Support	\$ _____
Payments on Arrears / Interest	\$ _____
Clearinghouse Handling Fee	\$ _____ 2.25 per month*
TOTAL AMOUNT per month	\$ _____, but no more than

50% of disposable earnings (A.R.S. § 33-1131). *The Clearinghouse handling fee is set by statute and subject to change (A.R.S. § 25-510).

This **"Order of Assignment"** is effective immediately upon receipt by an employer or other payor, including self-employed persons, and continues until further Order, or until a period of 90 continuous days from the last payment to the Obligor. If you are again obligated to pay monies to the Obligor within 90 days, you are again bound by **this "Order of Assignment."** Payment must be sent to the Support Payment Clearinghouse within two (2) business days of the date the monies were withheld.

This Order of Assignment terminates on the last day of _____, _____ unless it includes an arrearage payment, in which case the total amount listed above shall continue to be withheld until further order.

You shall NOT discharge or otherwise discipline the person named in this assignment, because of service of this "Order of Assignment."

The above ATLAS number and employee's name **must** appear on the *Transmittal Form or check*. Make payments payable and send to:

Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107

Dated this _____ day of _____, 20____.

 Judicial Officer or Clerk of Superior Court

CURRENT EMPLOYER INFORMATION

You may also fill out this form online at the Family Support Center Website at:
<http://www.familysupportcenter.maricopa.gov>

THIS FORM MUST BE COMPLETED FOR:

- ☐ **AN ORDER OF ASSIGNMENT (STAPLE TO THE ORDER OF ASSIGNMENT)**
- ☐ **ORDER TO STOP AN ORDER OF ASSIGNMENT (STAPLE TO THE STOP ORDER)**
- ☐ **NOTIFICATION OF A CHANGE OF EMPLOYER**

CASE NUMBER: _____

ATLAS NUMBER: _____

PAYOR NAME: _____
(PERSON TO MAKE PAYMENTS)

LIST ONLY THE EMPLOYER'S NAME AND PAYROLL ADDRESS WHERE THE ORDER OF ASSIGNMENT OR STOP ORDER SHOULD BE MAILED.

CURRENT EMPLOYER NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER TELEPHONE: _____

EMPLOYER FAX: _____

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID:	_____
TYPE OF W/A	_____
DATE	_____
AMOUNT OF ORDER	_____
EMPLOYER STATUS	_____
ENTERED BY	_____
NEW W/A	_____
AG	_____
	SUB _____
	DCSE _____

**SELF SERVICE CENTER
PROCESS CHECKLIST
MODIFY ORDER OF ASSIGNMENT BY AGREEMENT**

☐ **STEP 1:** Complete the following forms:

- ***“Agreement to Modify Order of Assignment”***
- ***“Order of Assignment”***
- ***“Current Employer Information Sheet”***

☐ **STEP 2:** Make two copies* of the ***“Order of Assignment.”*** * *If* either party is using child support enforcement services of the state, make a **third copy** for that agency.

☐ **STEP 3:** Get the notarized signatures of all parties on the original Agreement or on a copy of the Agreement. Each party should keep a copy for their own records.

Separate your documents into three sets (four, if the IV-D Agency is involved).
Put your documents in this order:

Set 1 - ORIGINALS to be filed with the Clerk of Court:

1. ***“Agreement to Stop Order of Assignment”***
2. ***“Order of Assignment”***
3. ***“Current Employer Information Sheet”***

Set 2 - Copy for You:

- (1) ***“Agreement to Modify Order of Assignment”***
- (1) ***“Order of Assignment”***
- (1) **Stamped Envelope**, addressed to you
- (1) ***“Order of Assignment”***

Set 3 – Copy for Other Party:

- (1) **Stamped Envelope**, addressed to that party
- (1) ***“Order of Assignment”***

Set 4* – Copy for IV-D

Agency: *only if there is an ATLAS number – if Child Support Services is a party to the case. (No envelope required for the Agency; the Court will send to them.)

IF THE PARTIES’ ORIGINAL NOTARIZED SIGNATURES ARE ON SEPARATE COPIES OF THE AGREEMENT, FILE EACH OF THOSE SEPARATE AGREEMENTS AS PART OF YOUR SET OF “ORIGINALS” WITH THE COURT.

☐ **STEP 4: GO TO THE COURT TO FILE.** Take all originals and copies.

The Court is open from 8am-5pm, Monday-Friday. **You should go to the Court at least two hours before it closes.** You may file your court papers at the Clerk of Court’s offices at the following locations:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Ln
Surprise, Arizona 85374

Northeast Regional Court Center
18380 North 40th Street
Phoenix, AZ 85032

FILE: Go to the Clerk of the Court filing counter to file your documents.

FEES: **The filing fee, as of July 10, 2003, is \$61.00.** There *may be an appearance fee of \$231.00* as well if the person filing this request has never “appeared” in the case, that is, has never filed any papers previously. The Self-Service Center and the Filing Counter have forms to request a deferral of any fees that apply.

PAPERS: Hand all your court papers to the court clerk along with cash, check, money order, or credit card for any fees that apply.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- Your Set of Copies with the Clerk’s stamp on them. These are called “conformed” copies.

WHAT THE COURT WILL DO: The Court will do one of the following, based on the paperwork you submitted:

- Grant the relief you requested.
- Schedule a hearing for you and the other party to come talk to the judge about the case (if the judge has questions).
- Return your paperwork because you did not show good reason for the change requested.
- Other orders the judge thinks proper.

STEP 5: WAIT for the Court to let you know if the judicial officer or Clerk’s Office signed the Order or if it was set for a hearing. ***Read the Order Carefully!*** If it goes to a hearing, a conference may be scheduled and a Report, Recommendation and Order sent to the Court.

REMINDER:

☐

DID YOU provide **two** self-addressed, stamped envelopes so the staff can mail the decision to both parties (as listed in STEP 3, above)?

- one addressed to you;
- one addressed to the other party